

IN THE COUNTY COURT, POLK COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. 21MM006542BA

BRANDON LEE CASE

Defendant.

NOTICE OF FAILURE TO COMPLY WITH RULE 3.220(b)(1), Fla. R. Crim. P.

COMES NOW the defendant, by and through counsel, pursuant to Rule 3.220(n)(1), Fla. R. Crim. P., and notifies the court that a party to the above-styled cause has failed to comply with an applicable discovery rule. Based upon review of files within the Office of the Public Defender, Defendant represents the following:

1. Defendant is represented by the Office of the Public Defender, 10th Judicial Circuit of Florida, in the above-styled cause.
2. A charging document has been filed.
3. Defendant, through counsel, has elected to participate in the discovery process by filing with the court and serving on the prosecuting attorney a Notice of Discovery, pursuant to Rule 3.220(a), Fla. R. Crim. P.
4. More than 15 days after filing of the charging document or service of the Notice of Discovery, whichever occurred last, has elapsed.
5. A written Discovery Exhibit containing the information specified in Rule 3.220(b), Fla. R. Crim. P., has not been timely served. See *Pura v. State*, 789 So.2d 436 (Fla. 5th DCA 2001).
6. Failure to timely provide the Discovery Exhibit adversely impacts Defendant's ability to participate in the discovery process as provided in Rule 3.220(b).

Defendant further notifies the State that failure to file its Discovery Exhibit within 5 days of service of this Notice may result in the filing of a Motion for Sanctions pursuant to Rule 3.220(n), Fla. R. Crim. P. . See also Rule 3.220(b)(3).

HOWARD L. "REX" DIMMIG, II
Public Defender

/s/CHRISTOPHER PEREZ
CHRISTOPHER PEREZ
FLORIDA BAR #0124210
Assistant Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the State Attorney's Office by electronic transmission this 18th day of November, 2021.

HOWARD L. "REX" DIMMIG, II
Public Defender

/s/CHRISTOPHER PEREZ
CHRISTOPHER PEREZ
FLORIDA BAR #0124210
Assistant Public Defender